

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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Larry D. Thomas

Plaintiff/pro se

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Civil Action No 2:05cv437-T

Vs

R James Nicholson
Secretary, Department of
Veterans Affairs

Plaintiff Motion to Set Trail Date, or Alternative
Motion For Summary Judgment

The plaintiff pro se ask that the Middle Court of Alabama move forward with a trail date or ask that the court make a ruling based on the following **FACTS**.

Office of Personnel Management:

Clearly spell out what is the probationary period of a career conditional appointed employee. If the defendants fail to meet the provision of the Office Of Personnel Management under 315.804, none of the other conditions would matter.

315.804 (Termination of probationers for unsatisfactory performance or conduct.

- (a) When an agency decides to terminate an employee serving a probationary or trail period because his work performance or conduct during this period fail to demonstrate his fitness or his qualifications for continued employment. It shall terminate his services by notifying him in writing as to why he is being separated and the effective date of the action. The information in the notice as to why the employee is being terminated shall, as a minimum, consist of the agency conclusions as to the inadequacies of his performance or conduct.
- (b) Probation ends when the employee completes his or her schedule tour of duty on the day on the day before the anniversary date of the employee's appointment. For example when the last work day is Friday and the anniversary date is Monday, the probationer must be separated before the end of the tour of duty on Friday since Friday would be the last day the employee actually has to demonstrate fitness for further employment.

Employees who are separated during their initial probationary period receive limited appeal rights under subpart H of these proposed regulations; **however, a preference eligible who has completed 1 year of creditable service has full appeal rights as provided by subparts G and H of these proposed regulations.**

The plaintiff asserts that each and every claim upon which the defendants base it case is due to be dismissed, as the defendants did not give Mr. Thomas due process, the defendants has fell to acknowledge the fact of Mr. Thomas is not a probationary employee. The termination documentation with cause and facts was not presented to Mr. Thomas until three working days after the alleged, defendant's actions. Defendant has fell to product one document of counsel over the last six months of employment. The defendant and the upper management staff has several EEOC complaints filed about unfair treatment of blacks in the over the last couple years. At this time several blacks are in the process of filing a class action against the VA management featuring William Greer, Harald Carlisle and Joey Wilks.


The defendants have base their sole case on termination during a probationary period.

The allegations being made by defendants and other supporting government staff are counter by factual sworn statement given by other professional throughout the hospital with nothing to gain by telling the truth.

1. The Exhibits attached hereto which are number as plaintiff Exhibit 1 through 18 is supporting document for some of the allegations.

Wherefore, premises considered, the complaint is consider to be valid and should be given a trail date and / or summary judgment granted to the plaintiff with all monetary lost and punitive damages being awarded with the status to return to federal service as a career employee with no time lost, all vacations and allowed to return money into my 401k as if Mr. Thomas remained employed at a location of my choice.

Respectfully submitted this 30th day of October 2006.



Larry D. Thomas plaintiff /pro se

Dated 10/30/2006

Certificate of Service

Executed on October 30, 2006

Respectfully submitted,



**Larry D Thomas / Plaintiff
3327 Lunceford St
Montgomery, Alabama 36108**

**ATTN: Magistrate Judge Charles Coody
OFFICE OF THE CLERK
United States District Court
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Montgomery, Alabama 36101-0711**

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